United Nations A/C.3/64/L.12

General Assembly

Distr.: Limited
8 October 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 104
Crime prevention and criminal justice

Italy: draft resolution

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, and its resolutions 62/175 of 18 December 2007 and 63/195 of 18 December 2008 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also its resolution 60/1 of 16 September 2005 on the 2005 World Summit Outcome, in particular the sections on transnational crime and terrorism,

Taking note with appreciation of the adoption by the Economic and Social Council of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[1] which aims, inter alia, to enhance its effectiveness and flexibility in providing technical assistance and policy services,

Recalling section XI of its resolution 61/252 of 22 December 2006, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body", in which the Commission, as the principal United Nations policymaking body on crime prevention and criminal justice issues, was given the authority to approve the budget of the United Nations Crime Prevention and Criminal Justice Fund, and welcoming the outcome of the reconvened sixteenth session of the Commission, held on 29 and 30 November 2007,

Recalling also its resolution 60/177 of 16 December 2005 entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice",

[1] See Economic and Social Council resolutions 2007/12 and 2007/19.

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Recalling further its resolution 62/173 of 18 December 2007 entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice",

Recalling its resolution 63/193 of 18 December 2008 entitled "Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice",

Expressing its deep concern about the negative effects that transnational organized crime has on development, human security and human rights, and noting the increasing vulnerability of States to such kinds of criminal activities,

Mindful of the need to ensure the universal application of the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the Protocols thereto,[2]

Noting with concern the existing gaps between ratification of, accession to and implementation of the United Nations Convention against Transnational Crime and the Protocols thereto,

Recalling its resolution 63/226 of 19 December 2008 entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption" (Merida Convention),[3]

Reaffirming its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and all the international conventions and protocols against terrorism, including those that recently entered into force,

Recalling its resolution 62/172 of 18 December 2007 entitled "Technical assistance for implementing the international conventions and protocols related to terrorism",

Reaffirming the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[4] and its review of 5 September 2008,[5]

Recalling its resolution 61/180 of 20 December 2006 on improving the coordination of efforts against trafficking in persons and the coordinating role of the United Nations Office on Drugs and Crime in this respect,

Recalling also its resolution 63/194 of 18 December 2008 on improving the coordination of efforts against trafficking in persons,

Emphasizing that its resolution 61/143 of 19 December 2006 on the intensification of efforts to eliminate all forms of violence against women has considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities,

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[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

[4] Resolution 60/288.

[5] Resolution 62/272.

Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2008/23, 2008/24 and 2008/25 of 24 July 2008, and all those relating to the strengthening of international cooperation as well as the technical assistance and advisory services of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Welcoming the outcome of the thematic discussion on aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice held by the Commission at its seventeenth session, in 2008, pursuant to Economic and Social Council decision 2007/253 of 26 July 2007,

Welcoming also the outcome of the thematic discussion on (a) "Economic fraud and identity-related crime" and (b) "Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems" held by the Commission at its eighteenth session, in 2009, pursuant to Economic and Social Council decision 2008/245,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[6]

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all their forms and manifestations,

Convinced that transnational organized crime is a threat to States and societies, eroding human security and undermining the fundamental obligation of States to provide for law and order, and that combating it serves the double purpose of reducing this direct threat to State and human security and of constituting a necessary step in the effort to prevent and resolve internal conflicts, to combat the spread of weapons and to prevent terrorism,

Concerned about the growing degree of penetration of criminal organizations and their proceeds into legal economy, especially in moments of economic crisis,

Deeply concerned about the ever-increasing links between transnational organized crime and other destabilizing challenges to international peace and security, in particular terrorism, and recalling that these converging threats, as emphasized in the United Nations Convention against Transnational Organized Crime, require the constant updating of international strategies, targeted means and better coordinated multilateral efforts and law enforcement initiatives,

Emphasizing that transnational organized crime must be fought in full respect for the rule of law, and that in the long term the most effective response to this scourge is the promotion of democracy, human rights and equitable socio-economic conditions,

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime between all relevant priorities identified by the General Assembly and the Economic and Social Council,

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[6] Resolution 60/177, annex.

Taking into consideration the report of the Executive Director of the United Nations Office on Drugs and Crime, entitled "Organized Crime and its Threat to Security",[7] which emphasizes that the United Nations Convention against Transnational Organized Crime established the legislative framework to deal with the business of crime and the required mechanisms for international cooperation and stresses the need to fill gaps in their ratification and implementation,

Concerned by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition, and about its links with other forms of transnational organized crime, including drug trafficking and other criminal activities, in particular terrorism, and reaffirming that, in order to better understand and combat these problems, it is necessary to adopt comprehensive strategies and facilitate close and effective cooperation among States,

Taking into consideration the report of the Joint Inspection Unit entitled "Voluntary contributions in the United Nations system organizations: impact on programme delivery and resource mobilization strategies",[8] in which the United Nations Office on Drugs and Crime was identified as an Office with a high dependency on voluntary earmarked funding,

1. *Takes note with appreciation* of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 63/195;[9]

2. *Also takes note with appreciation* of the reports of the Secretary-General on improving the coordination of efforts against trafficking in persons,[10] as well as on assistance in implementing the universal conventions and protocols related to terrorism[11] and on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity;[12]

3. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[7] as the main tools of the international community to fight transnational organized crime;

4. *Also reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

5. *Requests* the Secretary-General to promote more active cooperation, coordination and regional collaboration in the fight against crime, especially in dealing with its transnational dimension;

6. *Recognizes* the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting

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[7] E/CN.15/2009/CRP.4.
[8] A/62/456.
[9] A/64/123.
[10] A/63/90.
[11] A/63/89.
[12] A/63/99.

Member States in the areas of corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection of victims, their families, and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance;

7. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations related instruments and internationally accepted standards, including, where applicable and appropriate, recommendations from relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

8. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue developing tools for providing technical assistance and cooperation to effectively counter this growing serious crime;

9. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

10. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General, inter alia, urban crime, the sexual exploitation of children, economic fraud and identity-related crime, illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, and, in the context of advisory services and technical assistance, the issue of cybercrime, and invites the United Nations Office on Drugs and Crime to explore, within its mandate, ways and means of addressing these issues, bearing in mind Economic and Social Council resolutions 2007/12 of 25 July 2007 and 2007/19 of 26 July 2007 on the strategy for the period 2008-2011 for the Office;

11. *Requests* the United Nations Office on Drugs and Crime to strengthen the collection, analysis and dissemination of information to enhance knowledge on crime trends and to support threat assessments in specific areas of crime;

12. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme, to address effectively transnational organized crime, including trafficking in persons, the smuggling of migrants and illicit manufacturing of and transnational trafficking in firearms, as well as corruption and terrorism;

13. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

14. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

15. *Encourages* Member States to support the United Nations Office on Drugs and Crime programme of technical assistance to Somalia and its neighbouring countries in establishing an effective law enforcement response to piracy supported by a robust domestic rule of law framework;

16. *Calls upon* Member States that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and the international conventions and protocols related to terrorism, and encourages States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

17. *Requests* the Secretary-General to convene a special high-level meeting of the General Assembly, in the second quarter of 2010, on transnational organized crime and corruption, aimed at fostering universal adherence to the United Nations conventions and at strengthening international cooperation;

18. *Also requests* the Secretary-General to give prominence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as to the United Nations Convention against Corruption, at the 2010 treaty event to promote ratification or accession to those instruments;

19. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and requests the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the Conferences of the Parties to the Conventions, in accordance with its mandate;

20. *Welcomes* the progress achieved by the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption, established by the Conference of the States Parties to that Convention, regarding the development of the terms of reference of the review mechanism, and looks forward to the relevant decision of the Conference at its third session, with a view to considering matters emerging from the decision that may fall under the competence of the Assembly;

21. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen

international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate and to fully implement the United Nations Global Counter-Terrorism Strategy;[13]

22. *Takes note with appreciation* of decision 17/1 of 18 April 2008 of the Commission on Crime Prevention and Criminal Justice entitled "Strengthening crime prevention and criminal justice responses to violence against women and girls",[14] in which the Commission requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice[15] and to make recommendations on addressing violence against women and girls, to be considered by the Commission at its nineteenth session, and requests the Commission to report through the Economic and Social Council to the General Assembly on the outcome of this work;

23. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

24. *Reiterates* the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and those emerging from conflict, in the area of crime prevention and criminal justice reform;

25. *Welcomes* the work of the open-ended intergovernmental working group, established by the Commission in its decision 17/2 of 18 April 2008 entitled "Improving the governance and financial situation of the United Nations Office on Drugs and Crime",[14] to discuss how to ensure political ownership by the Member States and how to improve the governance structure and financial situation of the Office and to make recommendations thereon, to be submitted to the Commission at its eighteenth session, and requests the Commission to report through the Economic and Social Council to the General Assembly to enable further consideration of and potential action on those recommendations;

26. *Reiterates its request* to the Secretary-General to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources

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[13] Resolution 60/288.

[14] See *Official Records of the Economic and Social Council, 2008, Supplement No. 10* (E/2008/30), chap. I, sect. D.

[15] Resolution 52/86, annex.

for the full implementation of its mandates, in conformity with its high priorities, and to provide adequate support to the Commission;

27. *Requests* the Secretary-General to organize a high-level (ministerial) segment during the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to discuss ways and means of enhancing the implementation of the Convention and the Protocols thereto;

28. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-fifth session on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, reflecting also emerging policy issues and possible responses;

29. *Further requests* the Secretary-General to include, in the report referred to in the previous paragraph, information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as information on the main obstacles encountered by States parties to implementing those instruments.